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Attorneys for Defendants  
DURHAM SCHOOL SERVICES, LUIS FELIZ and OMAR MEJIAS

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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:  
SENAL NADAREVIC, as Father and Natural Guardian  
Of E ■■■ N ■■■■,

Plaintiff,

-against-

DURHAM SCHOOL SERVICES; LUIS FELIZ,  
Individually and as an employee of Durham School  
Services; and OMAR MEJIAS, individually and as an  
Employee of Durham School Services,

Defendants.  
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Case No.:

REMOVED FROM THE  
SUPREME COURT OF THE  
STATE OF NEW YORK,  
COUNTY OF ONEIDA,  
INDEX NO. EFCA2022-000901

**NOTICE OF REMOVAL**

**PLEASE TAKE NOTICE**, that the Defendants, DURHAM SCHOOL SERVICES, LUIS FELIZ AND OMAR MEJIAS (“Defendants”), by and through their attorneys, Wilson Elser Moskowitz Edelman & Dicker LLP, submit this Notice of Removal in accordance with 28 U.S.C. § 1446, and respectfully represent as follows:

1. The Plaintiff, SENAL NADAREVIC, (“Plaintiff”), filed a Summons and Complaint in the Supreme Court of the State of New York, County of Kings (the “State Court”) on or about December 12, 2018, commencing this action captioned as SENAL NADAREVIC, as Father and Natural Guardian of E ■■■ N ■■■■ v. DURHAM SCHOOL SERVICES, LUIS

FELIZ, Individually and as an employee of Durham School Services; and OMAR MAJIAS, individually and as an employee of Durham School Services, Index No. EFCA2022-000901 (the “Subject Action”). A true copy of the Summons and Complaint filed in the Subject Action is attached to the Index of Attachments as **Exhibit A**.

2. The Plaintiff brings this action against the Defendants for personal injuries of his infant son allegedly sustained from a forcible assault. The Plaintiff claims he sustained serious bodily injuries, including great pain and mental anguish. (See Complaint, **Exhibit A**).

3. Additionally, the Plaintiff brings a Fourth Amendment cause of action for excessive force and unreasonable seizure pursuant to 42 U.S.C. §1983.

4. This Court has original jurisdiction over the subject matter of this action under the provisions of Section §1331 of Title 28 U.S.C., in that the civil action arises out of 42 U.S.C. §1983. Pursuant to §1441(c)(1)(A) of Title 28 U.S.C., DURHAM SCHOOL SERVICES, LUIS FELIZ AND OMAR MEJIAS are entitled to remove the action to this Court.

5. This removal is timely as required by 28 U.S.C. 1446(b)(3) and (c)(3) as it is filed within 30 days of the Defendants LUIS FELIZ and OMAR MEJIAS’s first receipt of a paper from which it could first be ascertained that the case is one which is or has become removable and less than one year from commencement of the action. More specifically, Plaintiff served Amended Complaint on the individual Defendants on August 25, 2022. In the initial complaint, they had been listed as John Does. Thus, the individual Defendants first ascertained that this case is one which is or has become removable on August 25, 2022 and this removal is timely filed.

6. Pursuant to 28 U.S.C. 1446(d), a true and correct copy of this Notice of Removal is being filed this date with the Clerk of the Court for the Supreme Court of the State of New York, County of Oneida.

7. Pursuant to 28 U.S.C. 1447(b) and Local Rule 81, attached is an index identifying the documents filed in the Supreme Court of the State of New York, County of Oneida and copies of said documents.

8. Based on the forgoing, Defendants DURHAM SCHOOL SERVICES, LUIS FELIZ AND OMAR MEJIAS, hereby remove the action now pending in the Supreme Court of the State of New York, County of Oneida, Index No. EFCA2022-000901.

WHEREFORE, the Defendants, DURHAM SCHOOL SERVICES, LUIS FELIZ AND OMAR MEJIAS, hereby remove this Action from the State Court and demand a jury trial.

Dated: New York, New York  
September 14, 2022

Respectfully Submitted,

*Joseph P. Wodarski*

By:

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Joseph P. Wodarski, Esq.  
Bar Roll # 520172  
*Attorneys for Defendants*  
Durham School Services, Luis Feliz  
and Omar Mejias  
1133 Westchester Avenue  
White Plains, NY 10604  
(914) 323-7000  
Our File No. : 15798.00287

**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury that on September 14, 2022, the foregoing was **filed electronically** with the United States District Court for the Northern District of New York and served by mail upon the following:

Office of the Clerk  
United States District Court  
Northern District of New York  
James T. Foley U.S. Courthouse  
445 Broadway  
Room 509  
Albany, New York 12207

FRANK POLICELLI, ESQ.  
Attorney for Plaintiff  
10 Steuben Park  
Utica, NY 13501  
(315) 793-0020

Oneida County Court  
200 Elizabeth Street  
Utica, NY 13501  
Attn: Oneida County Clerk

/s/ Joseph P. Wodarski, Esq.  
Joseph P. Wodarski, Esq.